

Appl. No. 10/716,157
Amendment C
In Reply to Office Action mailed July 18, 2007

REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Claims 1, 2, 6-11, 14, 16, 25 and 27-29 are pending in this application. Claims 1, 2, 6-11, 14, 16, 25 and 27-29 stand rejected.

Objections to the Claims

Claims 1, 2 and 6-10 have been objected to for certain informalities. In response, the informalities have been corrected.

Rejections under 35 U.S.C. §103

Claims 1, 2, 6, 7, 9-11, 25 and 27 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 4,709,330 to Yokoi et al. in view of U.K. Pat. No. GB 2 299 668 to Appleby et al. Applicant respectfully traverses these rejections.

In response, independent claims 1, 11 and 25 have been further limited to audio "characteristic sounds emitted by a fire." Support for "characteristic sounds emitted by a fire" is provided in paragraph [0005] of the specification.

Claims 1, 2, 6, 7, 9-11, 25 and 27 are now clearly differentiated over the combination of Yokoi et al. and Appleby et al. For example, Yokoi et al. fails to provide any teaching or suggestion of sounds emitted by a fire. Similarly, Appleby merely uses an ultrasonic transducer 5 for emitting ultrasonic waves and an ultrasonic transducer 6 for receiving "ultrasonic sound waves . . . which varies as a function of modifications . . . of the emitted sound waves by . . . the presence of a fire" (Appleby, page 2, lines 10-17). Since the Appleby ultrasonic waves are modified by the fire, there is no analysis of "characteristic sounds emitted by a fire" taught or suggested by the combination of Yokoi et al. and Appleby et al.

Since Yokoi et al. and Appleby et al. fail to provide any teaching of any analysis

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of "characteristic sounds emitted by a fire", the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Claims 8, 14, 16, 28 and 29 have been rejected under 35 U.S.C. §103(a) as being obvious over Yokoi et al. in view of Appleby et al. and U.S. Pat. Appl. No. 6,295,346 to Markowitz et al. Applicant respectfully traverses these rejections.

It may be noted in this regard, that claim 8 is dependent upon claim 1, claims 14 and 16 are dependent upon claim 11 and claims 28 and 29 are dependent upon claim 25. As such, claims 8, 14, 16, 28 and 29 are limited to "characteristic sounds emitted by a fire."

It may be noted next that Markowitz et al. is limited to speech recognition software. As such the combination of Yokoi et al., Appleby et al. and Markowitz et al. fails to provide any teaching or suggestion of any system that analyzes "characteristic sounds emitted by a fire."

Since Yokoi et al., Appleby et al. and Markowitz et al. all fail to provide any teaching of any analysis of "characteristic sounds emitted by a fire", the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may

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be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a fee/check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed, if filed by paper.

Respectfully submitted,

Dated: October 17, 2007

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